

RESOLUTION NO. 2016265

RE: DESIGNATION OF DUTCHESS TOURISM, INC. AS THE TOURIST
PROMOTION AGENCY FOR THE COUNTY OF DUTCHESS

Legislators FLESLAND, BORCHERT, MICCIO, BOLNER, LANDISI
SAGLIANO, STRAWINSKI and JETER-JACKSON offer the following and move its adoption:

WHEREAS, Dutchess County is developing plans for tourism, marketing and promotion and desires to promote the historical, cultural and environmental resources of Dutchess County to promote tourism, and

WHEREAS, Article 5-A of the Economic Development Law, known as the New York State Tourist Promotion Act, authorizes the State Commissioner of Economic Development to match funds expended by recognized tourist promotion agencies, based upon guidelines determined by the Commissioner, and

WHEREAS, pursuant to Article 5-A of the Economic Development Law, to qualify for this fund matching program, the Dutchess County Legislature must first designate a tourist promotion agency as the agency authorized to make application for and receive Tourism Matching Funds in Dutchess County, and

WHEREAS, Article 5-A defines a tourist promotion agency as any not-for-profit corporation, or other nonprofit organization, association or agency, designated by resolution of a county legislature, and

WHEREAS, by Resolution No. 2015192, this Legislature designated Dutchess Tourism, Inc. as the tourist promotion agency for Dutchess County for the fiscal year of January 1, 2016, through December, 31, 2016, and

WHEREAS, Dutchess Tourism, Inc. requires the authority of this Legislature to apply for up to \$431,500 in state matching funds, and

WHEREAS, Dutchess Tourism, Inc. is qualified to apply for Tourism Matching Funds, now, therefore, be it

RESOLVED, that Dutchess Tourism, Inc. is hereby designated the Tourist Promotion Agency for Dutchess County for the State fiscal year January 1, 2017 through December 31, 2017 and is authorized to apply for State matching funds up to \$431,500.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 7th day of November 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 7th day of November 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

WESTLAW

McKinney's Consolidated Laws of New York Annotated
Economic Development Law (Refs & Annos)
§ 164. Applications for and approval of matching funds to tourist promotion agencies
McKinney's Consolidated Laws of New York Annotated, Economic Development Law Article 5-a, New York State Tourist Promotion Act Effective: April 1, 2003 (Approx. 3 pages)

Effective: April 1, 2003

McKinney's Economic Development Law § 164

§ 164. Applications for and approval of matching funds to tourist
promotion agencies

Currentness

(a) The commissioner is hereby authorized to match funds expended by recognized tourist promotion agencies and to set reasonable deadlines for the submission of applications for each fiscal year covered by appropriations in order to assist such agencies in the financing of their recognized advertising programs. Before any such funds may be expended, the tourist promotion agency shall have made application to the department for such funds, and shall have therein set forth the schedule, budget, scope, and theme of the proposed advertising program to be undertaken for the purpose of encouraging and stimulating tourist travel, resort, vacation, culture and convention activities in the county or counties within its area. Said application shall further state, under oath or affirmation, with evidence thereof satisfactory to the department, the amount of funds held by, or committed or subscribed to, the tourist promotion agency for the purposes herein described and the amount of matching funds for which application is made, and provided that all advertising purchased with funds appropriated under this act shall follow central conceptual themes used by the department in its advertising for state tourism promotion including using any logotype or similar advertising construct in use by the department.

(b) In reviewing such applications, the commissioner may select from among competing or overlapping applications the application or applications that the commissioner considers to be of greater benefit to a given area and the welfare of the people of the state. Further, the commissioner shall select from among filed applications those applications which the commissioner considers to be most in accord with the guidelines established for the fiscal year in which the funds are to be expended. If the commissioner determines that an application does not meet the guidelines, the tourist promotion agency submitting such shall be notified of its rejection and the reasons therefor by certified mail. A tourist promotion agency whose application has been rejected may resubmit the application to meet the guidelines determined by the commissioner. The resubmitted application shall be postmarked within two weeks of the date of receipt of notice of failure of its initial application. After review of a submitted or resubmitted application, if satisfied that the program of the tourist promotion agency appears to be in accord with the purposes of this act, the commissioner shall authorize in writing the payment of matching funds appropriated pursuant to this act to such tourist promotion agency equal to funds allocated by such agency to the program described in its application, provided, however, that such matching grant shall not exceed an amount equal to five per centum of the matching grant appropriation for each county represented by such agency for the purposes set forth in this act. Provided that sufficient funds are appropriated, no such grant shall be less than either twenty thousand dollars per county represented by such tourist promotion agency or the amount of funds held by, or committed or subscribed to such tourist promotion agency for the purposes described in its application, whichever sum is less. No such minimum grant shall allow the awarding of matching funds for applications other than those meeting the guidelines established by the department.

(c) No application submitted by a tourist promotion agency shall be approved unless the funds of such agency allocated to the program described in its application are both:

(1) equal to or greater than eight thousand dollars for each county represented by such agency, and

(2) equal to or less than five per centum of the total matching funds appropriation for each county represented by such tourist promotion agency.

(d) No state funds granted to a tourist promotion agency pursuant to this act may be used for travel, food, lodging, entertainment, transportation or expenses unrelated to the approved advertising program. A regional advertising program as described in paragraph one of subdivision (c) of section one hundred sixty-two of this article may include those personal service administrative expenses actually attributable to such program, provided, however, that such expenses shall not exceed twenty percent of the total budget of such regional advertising program and provided further that such expenses shall be approved by no less than one-half of the counties within such region.

(e) Applications required by this section shall be submitted only upon forms provided by the department. Such forms shall contain a statement of the guidelines which the commissioner shall use to establish priorities among applications. Such guidelines shall be established by the commissioner on an annual basis and, once established, shall not be changed until the following year.

(f) The department shall set aside no more than thirty percent of the total local assistance appropriation for tourism matching funds to create regional advertising program bonuses payable to tourist promotion agencies. Such bonus shall be based on a formula to be developed by the department, which shall take into account the number of counties participating in a regional advertising program with respect to the number of counties within the department tourism region in which that tourist promotion agency is located and the percentage of which qualify for a match pursuant to this section to be expended by the tourist promotion agency for the purposes of the regional advertising program. Bonuses paid for regional advertising shall be subject to the same restrictions described in this article for matching funds, and shall further be dedicated to the sole purposes of the regional advertising program. The bonus paid to each tourist promotion agency shall not exceed twenty percent of the amount budgeted by such agency for each regional advertising program. Nothing in this article shall prohibit a tourist promotion agency from receiving regional bonus funding for participation in regional advertising programs as described in paragraph two of subdivision (c) of section one hundred sixty-two of this article in addition to funding for participation in a regional advertising program as described in paragraph one of subdivision (c) of section one hundred sixty-two of this article.

(g) If the matching funds requested in the applications exceed the appropriation, the commissioner shall allocate available funds on a prorated basis. Such proration shall apply to originally approved as well as resubmitted and subsequently approved applications.

Credits

(Added L.1978, c. 533, § 2, eff. July 24, 1978. Amended L.1981, c. 465, § 1; L.1982, c. 512, § 2; L.1985, c. 563, § 2; L.2002, c. 238, § 1, eff. April 1, 2003.)

McKinney's Economic Development Law § 164, NY ECON DEV § 164
Current through L.2016, chapters 1 to 395.

RESOLUTION NO. 2015192

RE: DESIGNATION OF DUTCHESS TOURISM, INC. AS THE TOURIST
PROMOTION AGENCY FOR THE COUNTY OF DUTCHESS

Legislators BORCHERT, FLESLAND, BOLNER, SAGLIANO, WEISS,
ROLISON, HORTON, JOHNSON, JETER-JACKSON, FARLEY, and PERKINS offer the
following and move its adoption:

WHEREAS, Dutchess County is developing plans for tourism, marketing and
promotion and desires to promote the historical, cultural and environmental resources of
Dutchess County to promote tourism, and

WHEREAS, Article 5-A of the Economic Development Law, known as the New
York State Tourist Promotion Act, authorizes the State Commissioner of Economic
Development to match funds expended by recognized tourist promotion agencies, based upon
guidelines determined by the Commissioner, and

WHEREAS, pursuant to Article 5-A of the Economic Development Law, to
qualify for this fund matching program, the Dutchess County Legislature must first designate a
tourist promotion agency as the agency authorized to make application for and receive Tourism
Matching Funds in Dutchess County, and

WHEREAS, Article 5-A defines a tourist promotion agency as any not-for-profit
corporation, or other nonprofit organization, association or agency, designated by resolution of a
county legislature, and

WHEREAS, by Resolution No. 2014327, this Legislature designated Dutchess
Tourism, Inc. as the tourist promotion agency for Dutchess County for the fiscal year of January
1, 2015, through December, 31, 2015, and

WHEREAS, Dutchess Tourism, Inc. requires the authority of this Legislature to
apply for up to \$325,000 in state matching funds, and

WHEREAS, Dutchess Tourism, Inc. is qualified to apply for Tourism Matching
Funds, now, therefore, be it

RESOLVED, that Dutchess Tourism, Inc. is hereby designated the Tourist
Promotion Agency for Dutchess County for the State fiscal year ~~2015~~ **APPROVED** 2016 through
December 31, 2016 and is authorized to apply for State matching funds up to \$325,000.

CA-106-15 AMS/kvb/G-0106
6/9/15
STATE OF NEW YORK
COUNTY OF DUTCHESS

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 7/15/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution
with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of July 2015, and
that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of July 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Eoin Wrafter

Prepared On: June 7, 2015